REMARKS

Claim Status

Claims 1 - 20 are pending in the present application. Of these claims, Claims 12 – 20 have been withdrawn as a result of an earlier restriction requirement. No additional claims fee is believed to be due. Claims 1-11 have been rejected under 35 U.S.C. 103(a).

Rejection Under 35 USC §103(a) Over Sasaki.

Claims 1-11 stand rejected under 35 U.S.C. 103(a) as obvious over Sasaki (JP 1-292103, based on Polyglot Translation of record). The Office reasons that Sasaki discloses an article comprising a topsheet, backsheet, and core, and further comprising a nonwoven for an absorbent core that comprises a first plurality of fibers (base fibers), hydrophilic monomers (such as acrylic acid and its salts), and a radical polymerization initiator (such as benzophenone) grafted to the first plurality of fibers; the amount of radical polymerization initiator molecules is less than 2% weight of the monomer molecules.

Under MPEP 2142, the Examiner bears the burden of factually supporting any *prima facie* conclusion of obviousness. In determining the differences between the cited art and the claims, the question is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. See, *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530 (Fed. Cir. 1983). If the Examiner does not prove a *prima facie* of unpatentability, then without more, the Applicant is entitled to the grant of the patent. See in re *Oetiker*, 977 F.2d 1443.

To establish a *prima facie* case of obviousness under 35 U.S.C. §103, the Examiner must meet three basic criteria. First, there must be some suggestion or motivation, either in the reference itself, or in the knowledge generally available to one of ordinary skill in the art, to modify the reference. Second, there must be a reasonable expectation of success. Finally, the cited references must teach or suggest all the claim limitations. See, for example, *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991). Applicants respectfully assert that the Office Action fails to meet all of these criteria, and thus fails to make a *prima facie* case of obviousness under 35 U.S.C. §103.

The Sasaki reference teaches a method of manufacturing an absorbent material possessing a highly absorbent resin. Sasaki further teaches that the absorbent material possesses a bulky structure that swells sufficiently in order to absorb a great amount of urine in a short time. In order to achieve this objective, Sasaki teaches, *inter alia*, enabling absorbent resin with "a high degree of polymerization" (Sasaki p. 6) and high add-on levels of the monomer on the fiber, e.g. 200 g/m^2. (Sasaki p. 28—practical example 2). One skilled in the art would understand that due to Sasaki's choice of polymerization conditions, the absorbent material will be highly water absorbent but will not be water-permeable. That is, the highly absorbent material taught by Sasaki will swell and block the pores of a nonwoven web and result in an absorbent material that is not water-permeable (i.e. high strike through time).

In contrast, the absorbent article of claim 1 is a water-permeable, nonwoven sheet for use in for example, a topsheet or core wrap material. In order to achieve this objective, Applicants teach agent molecules which reduce homopolymerization of the monomers (p. 12 of specification) and low monomer add-on levels, e.g. 0.3 wt% to 10 wt% (which would correspond to about 5 g/m^2 for a typical nonwoven sheet of 20 g/m^2). As a result, the polymer chains grafted onto the nonwoven do not undergo the swelling of Sasaki and as a result, the nonwoven will allow large amounts of liquid to quickly pass through (as shown by the low liquid strike through times). Therefore, Sasaki fails to teach or suggest a water-permeable nonwoven having a liquid strike through time of less than 5 s for a fifth gush of liquid or agent molecules for reducing homopolymerization as required by claim 1. Because Sasaki fails to teach every element of independent claim 1, Applicants assert that independent claim 1 is in condition for allowance. Further, because claims 2-11 depend directly or indirectly from claim 1, they too are not anticipated by Sasaki and therefore, are in condition for allowance.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C. §103. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention from the applied references. In view of the foregoing,

reconsideration of this application and allowance of Claims 1 - 11 is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By _____
John P. Colbert
Registration No. 45,765
(513) 634-0037

Date: January 10, 2007
Customer No. 27752